IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

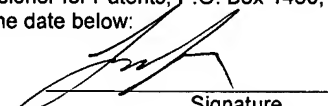| | |
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| In re Application of:<br>MICHAEL STOCHOSKY | Group Art Unit: 2146 |
| Serial No.: 10/781,029 | Examiner: Gerald A. Smarth |
| Confirmation No.: 2832 | Atty. Dkt.: 2095.004196 |
| Filed: February 17, 2004 | Client Ref.: P3073XUS1 |
| For: PEER-TO-PEER IDENTITY-BASED<br>ACTIVITY SHARING | CUSTOMER NO.: 62293 |

## AMENDED APPEAL BRIEF

MAIL STOP APPEAL BRIEF -
PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amended Appeal Brief is filed in response to the Notice of Non-Compliant Appeal Brief mailed November 24, 2008. The date for response is December 24, 2008. This Amended Appeal Brief is being filed on, or before, the due date therefore, it is timely filed. This Amendment Appeal Brief specifically addresses the Status of Claims Section and the Argument Section. This Amended Appeal Brief is intended to replace the previously filed Appeal Brief.

On September 5, 2008, Appellant filed a Notice of Appeal in response to a Final Office Action dated April 29, 2008 issued in connection with the above-identified application. Additionally, Appellant filed a Pre-Appeal Brief Request for Review. The Office issued a Notice of Panel Decision from Pre-Appeal Brief Review on September 22, 2008 directing Appellant to proceed with the filing of an Appeal Brief, which was filed on November 5, 2008. Appellant hereby files this Amended Appeal Brief in response to the Notice of Non-

compliant Appeal Brief. In this Notice, the Examiner indicated that the appealed claims were not properly identified and that no argument was presented under separate heading for each ground of rejection. All issues raised in the Notice of Non-compliance have been addressed and corrected herein. therefore, the present Amended Appeal Brief complies with all requirements of C.F.R. 41.37(c).

If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

No fee is believed to be due in connection with the filing of this document, however, should any fee(s) under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee(s) from Williams, Morgan & Amerson, P.C. Deposit Account No. 500786/2000.076500.

## I.    REAL PARTY IN INTEREST

The present application is owned by Apple Inc., having its place of business at 1 Infinite Loop, Cupertino, California 95014. Assignment recorded at Reel 014887, frame 0991.

## II.   RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any related appeals and/or interferences that might affect the outcome of this proceeding.

## III.  STATUS OF CLAIMS

Claims 1, 14 and 26 and 38 are independent claims. The remaining claims are dependent on claims 1, 14, and 26 and 38. Claims 1-38 remain pending in this application, each of which is rejected as follows:

- claims 1-15 and 38 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; and

- claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,080,139 *(Briggs)* in view of US Pub. 2002/0076025.

Appellant appeals each of the rejections. For the convenience of the Office, Appellant identifies the appealed claims as claims 1-38.

## IV. STATUS OF AMENDMENTS

After the final rejections, no other amendments were made to any other claims.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

In one aspect of the current invention, an apparatus is provided for sharing identity-based activity with at least one peer, as indicated in claim 1. A content daemon is used to detect and store identity-based activity. An instant messaging module is communicatively coupled to the content daemon, sends an indication of identity-based activity to the peer(s). The identity-based activity is related to a user logged-in to the instant messaging module. *See e.g., Specification, p.12, line 7 to p.13, line 1; Figs. 1-3.*

In another aspect of the current invention, a method is provided for sharing identity-based activity with a plurality of peers, as indicated in claim 14. Identity-based activity is detected and stored. An indication of identity-based activity is sent to at least one of the plurality of peers. The identity-based activity is related to a user logged-in to an instant messaging module. *See e.g., Specification, p.12, line 7 to p.13, line 1; Figs. 1- 3 & 6.*

In yet another aspect of the current invention, a computer program product is provided, as indicated in claim 26. A computer-readable medium is used to store computer program

instructions and data embodied on the medium. The instructions and data are used for sharing identity-based activity with at least one peer. Additionally, the instructions and data provide that identity-based activity is detected and stored. The instructions and data also allow an indication of identity-based activity to be sent to at least one of the plurality of peers. The identity-based activity is related to a user logged-in to an instant messaging module. *See e.g., Specification, p.12, line 7 to p.13, line 1; Figs. 1- 3 & 6.*

In yet another aspect of the current invention, an apparatus for sharing identity-based activity with at least one peer is provided. An application is used to detect identity-based activity, as indicated in claim 38. A communications module is communicatively coupled to the application. The communications module provides an indication of the identity-based activity to at least one peer. The identity-based activity is related to a user logged-in to the communication module, and includes instances of active content related to a user logged-in to the instant messaging module. *See e.g., Specification, p.12, line 7 to p.13, line 1; Figs. 1-3.*

## VI.   <u>GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL</u>

- Whether the Specification provides support for "computer readable medium," and "instant messaging module";

- Whether claims 1-15 and 38 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; and

- Whether claims 1-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,080,139 *(Briggs)* in view of US Pub. 2002/0076025 *(Liversedge)*.

## VII.  <u>ARGUMENT</u>

The present invention is generally directed to sharing identity-based information between peers. The Examiner relies heavily upon *Briggs* and *Liversedge* to reject the claims of the present Application. However, the combination of *Briggs* and *Liversedge* do not make obvious

all of the elements of claims of the present application. *Briggs* is directed to sharing past user experiences with "buddies" over a network. In contrast, *Liversedge* is directed to collaboration using a "virtual team environment" which shares files in a group. Firstly, those skilled in the art would not combine *Briggs* and *Liversedge* in the manner claimed in the present application. Further, the combination of *Briggs* and *Liversedge* would not anticipate or make obvious all of the elements of claims of the present application.

## A.     The Specification provides support for the claimed features—Arguments responsive to Examiner's grounds for objection of the Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. With respect to the claimed feature of an "instant messaging module," Appellant respectfully directs the Board's attention to the Specification, p.12, ll. 15-16 (stating a "centralized messenger service may be Apple Computer Inc.'s iChat$^{TM}$, America Online's AIM$^{TM}$, an instant messaging module or the like."). Further, the term "instant messaging module" was found in the originally filed claims, which as the Examiner is well aware, is part of the originally filed specification. Additionally, throughout the Specification, references to instant messaging applications can be found. Therefore, there is sufficient antecedent basis for the claimed subject matter, and the Examiner erred in maintaining this rejection.

In the Advisory Action, the Examiner states that "Examiner is not sure what an instant messaging module is," yet the Examiner goes on to argue that an instant messaging module is strictly software. *See* Advisory Action, Continuation Sheet. Appellant respectfully submits that without a clear understanding of what an instant messaging module is, the Examiner cannot maintain a proper basis for such arguments. As noted above, there exists adequate support for the term "instant messaging module" in the specification of the present application, and the

Examiner's objection to the Specification with respect to "instant messaging module" is not proper.

With respect to the claimed feature of <u>computer-readable medium</u>, Appellant respectfully directs the Examiner's attention to the language of claim 26 itself: "a computer-readable <u>medium</u> having computer program <u>instructions and data embodied thereon</u> for sharing identity-based activity with at least one peer." Appellant submits that a computer readable <u>medium</u>, by itself, shows a tangible thing. Likewise, a software program by itself could not have instructions or data <u>embodied thereon</u>. This language clearly indicates a tangible, physical embodiment, and this would be clear to those skilled in the art having the benefit of the present disclosure.

Appellant also respectfully directs the Board's attention to the Specification, Fig. 1, which discloses two servers (130 and 140). A person of ordinary skill in the art would easily recognize a server as a type of computer with RAM, processor(s), disk storage, user inputs, CD-ROMs/floppy diskette drives, and the like. Thus, those skilled in the art would find the support for "computer readable medium" in the specification. Additionally, Appellant respectfully directs the Board's attention to the Specification, p.15, ll. 9-15, for textual support as a non-limiting, illustrative example. This passage states:

> The content repository 240 stores data files that are activated by the application module 230. The content repository 240 may be a hard disk, flash memory, random access memory, or any device capable of non-volatile or volatile storage of data files. The data files contain data in any useful format, such as mpg, .wma, .omg, .gif, .mp3, .doc, .txt, .pdf, or any format capable of execution by the application module 230. In one embodiment, the content repository 240 is networked to the sender peer 110 such as a personal digital assistant with data files connected to the peer via the Bluetooth wireless communications protocol.

*See* Specification, p.15, ll. 9-15. These exemplary references to the subject matter of storing data would make clear to those skilled in the art the nature of a "computer readable medium" within the context of the present invention. As such, the Specification clearly provides support for the

claimed features. Additionally, the feature of a <u>computer-readable medium</u> was included in the specification as an originally filed claim.

The Examiner argued in the Advisory Action that "different types of memory and hardware" do not provide an antecedent basis for <u>computer-readable medium</u>, and that a person of ordinary skill in the art would not understand the term as used by Appellant. As shown above, this reasoning is incorrect. For example, memory is a medium that computers use to store data, programs, and the like. A computer *reads* data and instructions from memory. A person of ordinary skill in the art would clearly recognize this as being correct. Accordingly, for numerous reasons, there exists proper support in the specification for the term computer readable medium.

Therefore, Appellant respectfully requests the Examiner's rejection of the Specification as failing to provide sufficient antecedent basis for the claims be reversed.

**B.**     <u>**Claims 1-15 and 38 are directed toward statutory subject matter—Arguments responsive to Examiner's Rejections of claims 1-15 and 38 under 35 U.S.C. §101**</u>

The Examiner rejected claims 1-15 and 38 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Appellant respectfully traverses this rejection.

Appellant respectfully disagrees that the claims are directed toward software as claimed by the Examiner. *See* Office Action, p.3. Appellant asserts that a claim for an **apparatus** which in turn uses a daemon or module is allowable subject matter under 35 U.S.C. §101. Appellant is not seeking to patent a computer program or a module as argued by the Examiner, rather with regard to claims 1-15 and 38, Appellant seeks to claim an **apparatus** with certain features that uses a daemon/module to perform functions. Additionally, daemons, as is known in the art, may be implemented as hardware, software, or a combination thereof, and are not limited to any one format as suggested by the Examiner.

Moreover, the claimed features of a daemon and a module are used to provide a useful/tangible result. For example, the daemon is used to detect and store identity-based activity. Here the storing of identity based activity clearly meets the requirement of a useful/tangible result. Similarly, an instant messaging module that sends an indication of identity-based activity to at least one peer provides a useful/tangible result. The claims refer to an apparatus that comprises these useful modules to perform specific processes, resulting in a novel, useful and non-obvious, tangible apparatus.

Accordingly, claims 1-15 and 38 are in full compliance with the requirements of 35 U.S.C. §101. Therefore, Appellant respectfully requests the Examiner's rejection under 35 U.S.C. §101 be withdrawn.

C.    **Claims 1-38 are not obvious over _Briggs_ in view of _Liversedge_— Arguments responsive to Examiner's Rejections of claims 1-38 under 35 U.S.C. §103(a)**

**1. The Examiner Failed to Prove a _Prima Facie_ Case of Obviousness of Claims 1-38 over _Briggs_ in view of _Liversedge_**

Claims 1-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over _Briggs_ (US Pat. 7,080,139) in view of _Liversidge_ (US Pub. 2002/0076025). Appellant respectfully asserts that the Examiner erred in maintaining this rejection, and requests that the Examiner's rejection be reversed.

For ease of discussion, claim 1 is discussed first. Claim 1, directed to an apparatus for sharing identity-based activity with at least one peer, calls for (1) a content daemon to detect and store identity-based activity, and (2) an instant messaging module, communicatively coupled to the content daemon, to send an indication of identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module.

Appellant respectfully asserts that *Briggs*, *Liversidge*, and/or their combination do not teach or disclose all of the elements of claim 1 of the present invention. In order to establish a prima facie case of obviousness, the Examiner must consider the following factors: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference(s) must teach or suggest all the claim limitations. MPEP § 2143 (2005) (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). In making an obviousness rejection, it is <u>necessary</u> for the Examiner to <u>identify the reason why</u> a person of ordinary skill in the art would have combined the prior art references in the manner set forth in the claims. *KSR Int'l Co. v. Teleflex, Inc.*, at 14, No. 04-1350 (U.S. 2007). Appellant respectfully submits that the Examiner has not met this burden. If, as illustrated below, *Briggs* and *Liversidge* are incompatible, then consequently those skilled in art would not combine them and make all of the elements of claims of the present invention obvious. Accordingly, Appellant respectfully submits that a *prima facie* case of obviousness has not been established in rejecting claims 1-38.

For example, with respect to the claimed feature of <u>an instant messaging module,</u> communicatively coupled to the content daemon<u>, to send an indication of identity-based activity</u> <u>to at least one peer, the identity-based activity related to a user logged-in to the instant messaging</u> <u>module</u>, the Examiner has admitted that *Briggs* does not teach a instant message module (*see* Final Office Action, p. 5). The Examiner suggests, however, that this claimed feature is taught by *Liversidge*. *See id.* Specifically, the Examiner relies on ¶[0073] which states "an instant messaging server 84 which interacts with the collaboration manager 76 to provide specialized services with respect to the management and control of instant messaging sessions." Even if this

is true, the *Liversidge* reference is silent regarding identity-based activities, much less sending indications of such activities to at least one peer. The Examiner has attempted to combine a reference that teaches the use of an instant messaging application in a "Virtual Team Environment" (VTE) in order to account for the claimed feature of an instant messaging module, communicatively coupled to the content daemon, to send an indication of identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module. Clearly, as *Liversidge* is silent regarding this feature, the combination of this reference with the teachings of *Briggs* is not proper. The Examiner appears to be using the claims as a roadmap to combine the two prior art references in order to custom-fit the claims. Essentially, the Examiner has used improper, pure hindsight reasoning to incorporate only the teaching of an instant messaging module into a claim feature that also requires the instant messaging module to be communicatively coupled to the content daemon, to send an indication of identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module. In other words, adding the disclosure of *Liversidge* does not make up for the deficit of *Briggs*.

Similarly, the mention of "provid[ing] specialized services" in *Liversidge*, ¶[0073], fails to teach the claimed feature of an instant messaging module, communicatively coupled to the content daemon, to send an indication of identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module. *Liversidge* discloses that functionality within the VTE may be altered or removed depending on the capabilities of the participants' communications devices (*e.g.*, if a communications unit cannot support a graphical user interface, a text display manager may be used, or if a POTS telephone handset is used, the GUI manager, transport manager, collaboration client, and database clients may be omitted).

There is no basis for reading the claimed feature of instant messaging module sending an indication of _identity-based activity_ to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module into the subject matter of *Liversidge*, associated with "provid[ing] specialized services."

In the Advisory Action, the Examiner argued that *Liversidge* teaches the sharing of "team documents," and that such documents read on the claimed feature of "_identity-based activity_." This view, however, is not proper in light of the instant claims and Specification. "Team documents" are, by definition, available to the members of a team. In contrast, the claims and Specification set forth that _identity-based activities_ include broader activities of a particular user such as web-based auctions and transactions. These _identity-based activities_ would not normally be available to members of a team or contacts in an instant messaging module. As such, "team documents," as cited by the Examiner, do not read on _identity-based activity_ as provided in the claims and Specification. Thus, the Examiner's rejection cannot be sustained because *Briggs* and *Liversidge*, alone or in combination, fail to teach at least one of the claimed features. Accordingly, Appellant respectfully submits that the Examiner failed to show a *prima facie* case of obviousness of claim claims 1, 14, 26 and 38, and as such, claims 1, 14, 26 and 38 are allowable over the cited art. Similarly, any and all claims depending from claims 1, 14, 26 and 38 [2-13, 15-25 and 27-37] are also allowable.

### 2. The Examiner Failed to Prove a *Prima Facie* Case of Obviousness of Claim 4 over *Briggs* in view of *Liversedge*

Other pending claims are allowable for additional features recited therein. For instance, claim 4, which depends from claim 1, teaches sharing identity-based activity comprising instances of active content by a user logged-in to the instant messaging module. Active content

includes files that a user is **currently accessing**, such as music files the user is currently listening to, movies the user is currently watching, or the like. *See* Application, p. 2, ll. 14-16. Sharing active content allows the user to communicate current activity in real-time. The *Briggs* reference at least does not teach the claimed feature of sending an indication of identity-based activity, wherein identity-based activity comprises instances of active content by a user logged-in to the instant messaging module. The whole idea behind the subject matter described in *Briggs* is that one can rate and comment on web content before you share with your "buddies." *See Briggs*, col. 2, ll. 51-55 (stating "[A] user could visit a web site, listen to or watch content, rate a site or content, assign an emoticon or quick comment to a site or content, send or bookmark a site or content or download data; *a VUD entry could result*." [emphasis added]). It can only be concluded that *Briggs* does not teach the sending of an indication of active content. Examiner's comments that *Briggs* allegedly discloses storing URL activities on VUD from users is considered to teach activity server is without evidence, support, or explanation (see Page 21 of the Final Office Action). *Briggs* simply fails to disclose sending an indication of active content or an activity server that hosts identity-based activity. Moreover, only claim 7 calls for an activity server, and this claim can be viewed separately (from claims 1-6 and 8-38) with regard to this limitation. Further, this argument is of no moment in light of the various deficiencies of *Briggs* and *Liversedge* described herein and thus, they do not disclose or suggest all of the elements of claim 1-38.

In the Office Action, the Examiner argues that the claimed feature of "sending active content" is taught by *Briggs* in Col. 7, ll. 42-44. *See* Office Action, p. 4. Appellant respectfully disagrees. The cited passage from *Briggs* describes sending previously stored information to another user. In particular, *Briggs* teaches sending a *stored* item, item link, or item information

to a "buddy" who has enrolled to share data. *See Briggs*, col. 7, ll. 42-44; col.19, ll. 5-6; col. 18, ll. 38-57. For example, a user in *Briggs* may choose to send a "buddy" an item from a list of *previously visited* websites. *See Briggs*, Fig. 9. As such, *Briggs* discloses the sharing of *past* activities and experiences with other "buddies." In contrast, Claim 4 calls for sending an indication of identity-based activity, wherein identity-based activity comprise instances of <u>active content</u> by a user logged-in to the instant messaging module.

Furthermore, the Examiner has admitted that *Briggs* does not teach an instant messaging module. *See* Specification, p.5. Thus, *Briggs* cannot teach the claimed feature of identity-based activity comprises instances of active content by a user <u>logged-in to the instant messaging module</u>. As stated above with respect to claim 1, *Liversidge* does not teach any instances of active or identity-based content. For at least these reasons, the Examiner failed to show a *prima facie* case of obviousness of claim 4, and as such, claim 4 is allowable. Accordingly, claims 5, 17-18 and 29-30 are also allowable for the same reasons claim 4 is allowable.

### 3. The Examiner Failed to Prove a *Prima Facie* Case of Obviousness of Claims 8, 9, 11, 23, 29 and 35 over *Briggs* in view of *Liversedge*

Claim 8 is also allowable for features recited therein. Claim 8, which depends from claim 1, calls for the content daemon to detect and store identity-based activity after <u>logging-in</u> the user <u>to the instant messaging module</u>, and wherein the instant messaging module sends an update to the identity-based activity. As described in the instant Application, by using an instant messaging module for sharing, users can share real-time content and files with other users, not just "static files" stored on the computer. *See* Application, ¶[0006] & ¶[0027]. *Briggs* discloses a log-in screen from which a user may log-in or create a new account. Specifically, *Briggs* shows a log-in screen for the "fatbubble®" program, not an instant messaging module as taught

in claim 8. *See Briggs*, Fig. 2. In fact, *Briggs* teaches that the interface used to send content to "buddies" is an administrative tool used to select "buddies'" options and send files, it is not an instant messaging module used for instant messaging and sharing content post <u>log-in</u>. Furthermore, the Examiner has admitted that *Briggs* does not teach an <u>instant messaging module</u>. *See* Specification, p.5. In contrast, claim 8 teaches the feature of content daemon to detect and store identity-based activity after <u>logging-in</u> the user <u>to the instant messaging module</u>.

With respect to the claimed feature of sends an update to the identity-based activity, the Examiner cites *Briggs*, col. 7, ll.64-65, (even though this reference does not teach an instant messaging module that performs the sending feature) as teaching "columns provided...include a tick box 852, a buddy name 853, and one or more instant messaging contact links 854." *See* Final Office Action, p.8. Appellant respectfully asserts that the cited passage does not teach <u>identity based activity</u>, as understood from a reading of the claims and the specification. As a non-limiting, illustrative example, <u>identity based activity</u> may include web auctions, other web-based transactions, and the like. *See* Specification, p.2, ll.9-19. As noted above, *Liversidge* also does not disclose the <u>identity based activity</u> described above. The simple disclosure of messaging in *Liversidge* does not provide the subject matter missing from *Briggs*. In contrast to the prior art, claim 8 teaches sending an update to the identity-based activity. Further, as noted above, those skilled in the art would not combine *Briggs* and *Liversidge* in the manner called for by claims 8, 9, 11, 23, 29 and 35. For at least this reason, the Examiner has not shown a *prima facie* case of obviousness of claim 8, and as such, claim 8 is allowable. For similar reasons, claims 9, 11, 23, 29 and 35 are also allowable.

In light of the above arguments, the Examiner erred in maintaining the rejections of claims 1-38. Appellants respectfully request that the Board therefore reverse the Examiner's rejections and provide instructions to allow the pending claims of the present application.

## VIII. CLAIMS APPENDIX

The claims currently under consideration, *i.e.*, claims 1-38, are listed in the Claims Appendix attached hereto.

## IX. EVIDENCE APPENDIX

There is no evidence relied upon in this Appeal with respect to this section.

## X. RELATED PROCEEDINGS APPENDIX

There are no related appeals and/or interferences that might affect the outcome of this proceeding.
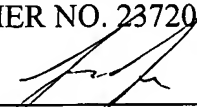
In view of the foregoing, it is respectfully submitted that the Examiner erred in not allowing all claims (claims 1-38) pending in the present application over the prior art of record. The undersigned attorney may be contacted at (713) 934-4069 with respect to any questions, comments, or suggestions relating to this appeal.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: <u>December 24, 2008</u>     By: _____

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# CLAIMS APPENDIX

1.    (Previously Presented)  An apparatus for sharing identity-based activity with at least one peer, comprising:

a content daemon to detect and store identity-based activity; and

an instant messaging module, communicatively coupled to the content daemon, to send an indication of identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the instant messaging module.

2.    (Previously Presented)  The apparatus of claim 1 wherein identity-based activity comprises content customized by the user that is accessible to at least one peer.

3.    (Previously Presented)  The apparatus of claim 2, wherein the customized content comprises a current online auction posted by the user.

4.    (Previously Presented)  The apparatus of claim 1, wherein identity-based activity comprise instances of active content by a user logged-in to the instant messaging module.

5.    (Previously Presented)  The apparatus of claim 4, wherein active content comprises multimedia files played back in the apparatus.

6.    (Previously Presented)  The apparatus of claim 1, further comprises an application module to view identity-based content, and wherein the content daemon detects and stores identity-based activity in the application module.

7.    (Previously Presented)  The apparatus of claim 1, wherein the content daemon detects and stores identity-based activity by communicating with an activity server that hosts the identity-based activity.

8. (Previously Presented) The apparatus of claim 1, wherein the content daemon detects and stores identity-based activity after logging-in the user to the instant messaging module, and wherein the instant messaging module sends an update to the identity-based activity.

9. (Previously Presented) The apparatus of claim 1, wherein the indication comprises a unique identifier related to the identity-based activity.

10. (Previously Presented) The apparatus of claim 1, wherein the content daemon is part of an operating system running on the apparatus.

11. (Previously Presented) The apparatus of claim 1, wherein the instant messaging module further outputs a received indication of recent identity-based activity of another user.

12. (Previously Presented) The apparatus of claim 1, further comprising a content transaction module to enable a transaction related to the identity-based activity.

13. (Previously Presented) The apparatus of claim 1, wherein the apparatus is communicatively coupled to at least one peer through a network.

14. (Previously Presented) A method of sharing identity-based activity with a plurality of peers, comprising:
    detecting identity-based activity;
    storing the identity-based activity; and
    sending an indication of identity-based activity to at least one of the
        plurality of peers, the identity-based activity related to a user
            logged-in to an instant messaging module.

15. (Previously Presented) The method of claim 14, wherein identity-based activity comprises content customized by the user that is accessible to the at least one peer.

16.    (Previously Presented)  The method of claim 15, wherein the customized content comprises a current online auction posted by the user.

17.    (Original)  The method of claim 14, wherein identity-based activity comprises instances of active content by a user logged-in to the instant messaging module.

18.    (Previously Presented)  The method of claim 17, wherein active content comprises multimedia files played back by the user.

19.    (Original)  The method of claim 14, further comprising:
viewing identity-based content; and
detecting and storing identity-based activity.

20.    (Original)  The method of claim 14, further comprises:
detecting and storing identity-based activity independent of viewing identity-based activity.

21.    (Original)  The method of claim 14, wherein the indication comprises a unique identifier related to the identity-based activity.

22.    (Original)  The method of claim 14, wherein the detecting comprises detecting identity-based activity of an application module in an operating system.

23.    (Previously Presented)  The method of claim 14, wherein the instant messaging module further outputs a received indication of identity-based activity of another user.

24.    (Original)  The method of claim 14, further comprising:
enabling a transaction related to the identity-based activity.

25.    (Previously Presented)  The method of claim 14, further comprising:

communicating with the at least one peer through a network.

26.     (Previously Presented)  A computer program product, comprising:
a computer-readable medium having computer program instructions and data
embodied thereon for sharing identity-based activity with at least one peer,
comprising:

    detecting identity-based activity;

    storing the identity-based activity; and

    sending an indication of identity-based activity to at least one peer, the
identity-based activity related to a user logged-in to an instant messaging
module.

27.     (Previously Presented)  The computer program product of claim 26,
wherein identity-based activity comprises content customized by the user that is accessible to the
at least one peer.

28.     (Original)  The computer program product of claim 27, wherein the
customized content comprises a current online auction posted by the user.

29.     (Original)  The computer program product of claim 26, wherein identity-
based activity comprises instances of active content by a user logged-in to the instant messaging
module.

30.     (Previously Presented)  The computer program product of claim 29,
wherein active content comprises multimedia files played back by the user.

31.     (Original)  The computer program product of claim 26, further
comprising:

    viewing identity-based content; and

    detecting and storing identity-based activity.

32. (Original) The computer program product of claim 26, further comprising:

detecting and storing identity-based activity independent of viewing identity-based activity.

33. (Original) The computer program product of claim 26, wherein the indication comprises a unique identifier related to the identity-based activity.

34. (Original) The computer program product of claim 26, wherein the detecting comprises detecting identity-based activity of an application module in an operating system.

35. (Previously Presented) The computer program product of claim 26, wherein the instant messaging module further outputs a received indication of identity-based activity of another user.

36. (Original) The computer program product of claim 26, further comprising:

enabling a transaction related to the identity-based activity.

37. (Previously Presented) The computer program product of claim 26, further comprising:

communicating with the at least one peer through a network.

38. (Previously Presented) An apparatus for sharing identity-based activity with at least one peer, comprising:

an application to detect identity-based activity; and

a communications module communicatively coupled to the application, the communications module to provide an indication of the identity-based activity to at least one peer, the identity-based activity related to a user logged-in to the communication module,

wherein identity-based activity comprise instances of active content by a user logged-in to the instant messaging module.